

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ERIC HARDING,

Plaintiff,

v.

WESLEY CANFIELD, et al.,

Defendants.

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DECISION & ORDER

17-CV-6024W

Pending before the Court is *pro se* plaintiff's motion for substitution of parties pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure. (Docket # 35). Specifically, plaintiff seeks to substitute Kaye Canfield, the Administrator of the Estate of Wesley Canfield,<sup>1</sup> as a defendant in place of deceased defendant Wesley Canfield. (Docket # 35; *see* Docket # 39). On June 4, 2020, the Court ordered that the United States Marshals Service personally serve the pending motion upon Ms. Canfield. (Docket # 43). Service was effected on June 16, 2020. (Docket # 45).

On June 26, 2020, Assistant Attorney General Heather L. McKay, Esq., informed the Court that she would be representing Ms. Canfield in this matter and that Ms. Canfield did not oppose the pending motion to substitute. (Docket # 46). Accordingly, and for good cause shown, it is hereby

ORDERED, that plaintiff's motion to substitute Kaye Canfield, as the Administrator of the Estate of Wesley Canfield, as a defendant in place of Wesley Canfield

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<sup>1</sup> Although the caption suggests that this defendant's first name is spelled "Wesely," it appears that the proper spelling is "Wesley."

**(Docket # 35)** is **GRANTED**. The Clerk of the Court is directed to amend the caption of the case to reflect the substitution of Kaye Canfield, as the Administrator of the Estate of Wesley Canfield, for Wesley Canfield.

**IT IS SO ORDERED.**

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*s/Marian W. Payson*  
MARIAN W. PAYSON  
United States Magistrate Judge

Dated: Rochester, New York  
July 1, 2020